IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4115 OF 2007

Maruti Ganpat Shinde ..Petitioner.
Vs.
Vandana Maruti Shinde ..Respondent.

Mr.E.A.Sasi, adv. for the Petitioner.
Mr.Rajesh Gehani, adv. for the Respondent.

CORAM : J.H.BHATIA, J.
DATE : JULY 6, 2007.

P.C.

1. Heard Mr.Sasi the learned counsel for the petitioner/respondent. In the petition filed by the petitioner for divorce, the respondent/wife filed an application for interim maintenance. After taking into consideration the income of the petitioner, the learned Family Court Judge directed the petitioner to pay Rs.10,000/- per month to the respondents towards the interim maintenance of the respondent and her minor daughter with effect from the date of her application. The learned counsel for both the parties concede that on perusal of the record, it appears that the said minor daughter is of the respondent from her first husband and not of the petitioner. If it is so, the petitioner can not be liable to pay maintenance for the said child. The learned counsel for both the parties agrees that maintenance amount may be awarded only to

the respondent wife at the rate of Rs.7,000/- per month during the pendency of the petition.

2. Therefore, with consent of the parties the order passed by the Family Court stands modified. The petitioner shall pay maintenance at the rate of Rs.7,000/- per month to the respondent from the date of her application till the main petition is disposed off. It appears that when the impugned order was passed by the trial Court, the respondent had not produced any documentary evidence or her income-tax returns to show her correct income. Anyhow, at the time of final hearing of the matter when the trial Court will be required it to decide permanent alimony, the respondent shall be directed to produce all documentary evidence and income-tax returns, if any, in respect of her income.

3. With aforesaid directions, petition stands disposed off.

[J.H.BHATIA, J.]